

AMENDED IN ASSEMBLY SEPTEMBER 4, 2003

AMENDED IN ASSEMBLY JUNE 23, 2003

**SENATE BILL**

**No. 1078**

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**Introduced by ~~Committee on Business and Professions (Senators Figueroa (Chair), Aanestad, Brulte, and Machado) Senator Chesbro~~**

March 28, 2003

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~~An act to amend Sections 29.5, 6737.1, 6737.3, 6756, 7029.1, 7124.6, 7138, 7141, 8030.2, 8762, 8766, 8773.2, and 8773.4 of, and to add Sections 7013.5, 7027.4, 7116.5, and 8710.1 to, the Business and Professions Code, and to amend Section 19825 of the Health and Safety Code, relating to professions and vocations. An act to add Section 48000.5 to, and to add and repeal Article 2.1 (commencing with Section 48010) of Chapter 2 of Part 7 of Division 30 of, the Public Resources Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1078, as amended, ~~Committee on Business and Professions Chesbro. Professions and vocations~~ *Disposal fees: solid waste collection vehicles: emissions.*

*The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. The act requires each operator of a disposal facility in the state to pay a quarterly fee to the State Board of Equalization, as specified, for all waste disposed of at each disposal site. The fees are deposited in the Integrated Waste Management Account, which may be expended by the*

board, upon appropriation by the Legislature, for specified purposes regarding the regulation of solid waste.

*This bill would require the operator of a solid waste collection vehicle, until December 31, 2010, to pay a fee of 50¢ for each ton of solid waste submitted for disposal by that operator at a solid waste disposal facility. The bill would require the operator of the disposal facility to collect the fee and to submit the fee to the State Board of Equalization in a manner consistent with the fee submitted by the facility operator.*

*The bill would require the State Board of Equalization to deposit these fees in the Solid Waste Vehicle Clean Air Account, which the bill would create within the Integrated Waste Management Fund.*

*The bill would authorize the board to expend the funds deposited in the account, upon appropriation by the Legislature, to pay an operator of a solid waste collection vehicle for the operator's actual and eligible costs of complying with the specified regulations adopted by the State Air Resources Board for the use of best available control technology to reduce diesel particulate matter emissions from solid waste collection vehicles, as defined. The bill would require the board to develop and distribute a one-page form for an operator, as defined, to document the actual costs of the operator to comply with those regulations and would provide that the eligible costs that the board may reimburse include the cost of the best available control technology, the cost of purchasing and installing engine backpressure monitors, if required for the safe use of the best available control technology device, and the estimated operating and maintenance costs of a solid waste collection vehicle that is in compliance with those regulations for a 2-year period, as determined by the State Air Resources Board.*

*The bill would authorize the board to adopt regulations to implement the payment program established by the bill and would allow the board to expend not more than 3% of the funds deposited each fiscal year in the account, upon appropriation by the Legislature, for purposes of administering the program. The bill would require, on December 31, 2010, all unexpended funds in the account be transferred to the Integrated Waste Management Fund.*

*The bill would repeal the provisions authorizing the program on January 1, 2011, except the bill would continue to allow the State Board of Equalization to take enforcement actions for submitting false information to the board concerning eligibility for the payment of funds*



*and authorizing the auditing of invoices received from operators of solid waste collection vehicles.*

~~(1) Existing law provides for licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors.~~

~~This bill would allow the county surveyor to examine and file a record of survey or corner record prepared by a land surveyor or civil engineer prior to his or her death. The bill would revise other existing provisions relating to filing of corner records by a land surveyor or civil engineer with the county surveyor.~~

~~(2) Existing law provides for licensing and regulation of contractors by the Contractors' State License Board.~~

~~This bill would revise existing provisions relating to the following: contractors bidding on projects as a joint venture, the period of time that the board discloses to the public citations or accusations against a contractor, and the issuance of renewal licenses to contractors whose licenses have been expired for not more than 5 years. The bill would also add new provisions allowing use of prior recorded testimony of witnesses in proceedings of the board, and providing that it is a cause for discipline for a contractor to claim to be insured or bonded under certain conditions or to engage in conduct that subverts an investigation of the board or in other related conduct.~~

~~(3) Existing law requires a contractor to make certain declarations upon the issuance of a building permit, and requires the Contractors' State License Board to provide, semiannually at the request of local building departments, a list of all contractors that did not secure payment of prescribed workers' compensation.~~

~~This bill would delete the requirement that the Contractors' State License Board provide that list of contractors. The bill would also delete a provision exempting permits under \$100 from a requirement to affirm under penalty of perjury that the permittee will maintain workers' compensation insurance, thereby creating a state-mandated local program by subjecting those persons to the crime of perjury.~~

~~(4) Existing law requires all unencumbered funds remaining in the Transcript Reimbursement Fund as of June 29, 2001, to be transferred to the Court Reporters' Fund.~~

~~This bill would change the date for that transfer to June 29, 2005, consistent with the revised sunset data applicable to these and other related provisions.~~

~~(5) This bill would make other related changes.~~

~~(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes no*.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 29.5 of the Business and Professions~~

2 *SECTION 1. The Legislature finds and declares all of the*  
3 *following:*

4 *(a) The State Air Resources Board identified diesel particulate*  
5 *matter as a toxic air contaminant in 1998 and adopted a risk*  
6 *reduction plan to reduce particulate matter emissions from*  
7 *diesel-fueled engines and vehicles (Diesel Risk Reduction Plan) in*  
8 *October 2000 to reduce cancer risks by 75 percent by 2010.*

9 *(b) One of the initial components of the Diesel Risk Reduction*  
10 *Plan is the proposed adoption of a specific control measure that*  
11 *will require all new diesel-fueled engines that are equipped on*  
12 *residential and commercial solid waste collection vehicles to use*  
13 *certain particulate filters and diesel fuel and to retrofit existing*  
14 *vehicles and engines, thus requiring both public and private*  
15 *operators of solid waste collection vehicles to equip their 1960 to*  
16 *2006 model year trucks with best available control technology to*  
17 *reduce particulate emissions.*

18 *(c) The State Air Resources Board estimates that the new*  
19 *control measure will reduce particulate matter emissions by as*  
20 *much as 81 percent by 2010, and is a cost effective approach for*  
21 *emission reductions.*

22 *(d) Given the magnitude of the retrofit program proposed by the*  
23 *State Air Resources Board and the need for timely and effective*  
24 *implementation, it is in the public interest to establish a temporary*  
25 *fee on solid waste collection vehicle operators for the sole purpose*  
26 *of funding compliance with the best available control technology*  
27 *requirements adopted by the State Air Resources Board for solid*  
28 *waste collection vehicles.*

(e) It is the intent of the Legislature that financial assistance be provided through fee revenues generated by solid waste collection vehicle operators that will be available to all public and private operators of solid waste collection vehicles that are subject to board's regulations. The assistance should be provided to operators that either have previously deployed low-emission vehicles that conform to the State Air Resource Boards' best available control technology standards or that will be purchasing, retrofitting, or repowering vehicles after January 1, 2004, to comply with the State Air Resources Board's best available control technology standards.

SEC. 2. Section 48000.5 is added to the Public Resources Code, to read:

48000.5. (a) On and after January 1, 2004, and until December 31, 2010, the State Board of Equalization shall deposit the fees collected pursuant to Section 48012 in the Solid Waste Vehicle Clean Air Account, which is hereby created within the Integrated Waste Management Fund, for the purpose of making payments pursuant to Article 2.1 (commencing with Section 48010).

(b) If any operator of a solid waste collection vehicle knowingly submits false information to the board concerning the eligibility for the payment of funds pursuant to Article 2.1 (commencing with Section 48010), the board shall, within 30 days of making this determination, refer the information to the Attorney General for investigation and appropriate action pursuant to Article 9 (commencing with Section 12650) of Chapter 6 of Part 2 of Division 3 of the Government Code.

(c) The board shall keep accurate books, records, and accounts on all disbursements from the Solid Waste Vehicle Clean Air Account and may audit invoices received from operators of solid waste collection vehicles to substantiate that payments made by the board are based on the actual costs eligible for payment pursuant to Article 2.1 (commencing with Section 48010).

(d) Notwithstanding the repeal of Article 2.1 (commencing with Section 48010) by Section 48017, the board may take enforcement action on and after January 1, 2011, pursuant to subdivisions (b) and (c), with regard to any payments made under former Article 2.1 (commencing with Section 48010).

SEC. 3. Article 2.1 (commencing with Section 48010) is added to Chapter 2 of Part 7 of Division 30 of the Public Resources Code, to read:

Article 2.1. Solid Waste Vehicle Clean Air Account

48010. For purposes of this article, the following definitions shall apply:

(a) "Account" means the Solid Waste Vehicle Clean Air Account established pursuant to Section 48000.5.

(b) "Board" means the State Board of Equalization.

(c) "Operator of a solid waste collection vehicle" or "operator" means any of the following:

(1) A city, county, city and county, or special district that operates its own solid waste collection vehicle.

(2) An individual, firm, limited liability company, partnership, private corporation, or nonprofit entity engaged in the business of solid waste collection pursuant to a contract, franchise, license, permit or other authorization granted by a public agency.

(d) "Solid waste collection vehicle" means an onroad heavy-duty vehicle, as defined in Section 39033 of the Health and Safety Code, with a gross weight rating of greater than 14,000 pounds that is used for the purpose of collecting residential and commercial solid waste by a public agency or, for a fee charged, by a private operator, including a rolloff vehicle that is used for transporting waste containers, debris boxes, or compactors that may be removed from the tractor.

48011. The Legislature finds and declares that the imposition of the fee on solid waste collection operators pursuant to Section 48012 would not result in the imposition of a tax within the meaning of Article XIII A of the California Constitution, because the amount and nature of the fee has a fair and reasonable relationship to the adverse environmental burdens imposed by the operation of solid waste collection vehicles and there is a sufficient nexus between the fees imposed and the use of those fees to support programs that reduce the diesel particulate matter emissions caused by those vehicles.

48012. (a) On and after January 1, 2004, and until December 31, 2010, the operator of a solid waste collection vehicle shall pay a fee of 50 cents (\$0.50) for each ton of solid



1 waste submitted for disposal by that operator at a solid waste  
2 disposal facility.

3 (b) The operator of the solid waste disposal facility shall collect  
4 the fee paid pursuant to subdivision (a) and shall submit the fee to  
5 the State Board of Equalization in a manner consistent with the fee  
6 submitted by the facility operator pursuant to Section 48000.

7 (c) The board shall deposit the fees paid pursuant to this section  
8 in the account, as provided in Section 48000.5.

9 48013. The board may expend the funds deposited in the  
10 account, upon appropriation by the Legislature, to pay an  
11 operator of a solid waste collection vehicle for the operator's  
12 actual and eligible costs of complying with the regulations adopted  
13 by the State Air Resources Board pursuant to Chapter 3.5  
14 (commencing with Section 39650) of Part 2 of Division 26 of the  
15 Health and Safety Code for the use of best available control  
16 technology to reduce diesel particulate matter emissions,  
17 including the early implementation of these regulations.

18 (b) The board may not pay an operator an amount greater than  
19 twelve thousand five hundred dollars (\$12,500) for the eligible  
20 costs associated with each solid waste collection vehicle,  
21 including the cost of installation, and all operating and  
22 maintenance costs for that vehicle for two years.

23 48014. (a) The board shall develop and distribute a one-page  
24 form for the operator to document the actual costs of the operator  
25 to comply with the regulations adopted by the State Air Resources  
26 Board pursuant to Chapter 3.5 (commencing with Section 39650)  
27 of Part 2 of Division 26 of the Health and Safety Code for the use  
28 of best available control technology to reduce diesel particulate  
29 matter emissions from solid waste collection vehicles. The board  
30 shall include, in the form, instructions for submitting to the board  
31 an invoice and documentation to request payment for eligible  
32 costs. The eligible costs that the board may reimburse include all  
33 of the following:

34 (1) The cost of the best available control technology to reduce  
35 diesel particulate matter emissions used in the solid waste  
36 collection vehicle, including the cost of installation.

37 (2) The cost of purchasing and installing engine backpressure  
38 monitors, if required for the safe use of the best available control  
39 technology device.

1     (3) *The estimated operating and maintenance costs of a solid*  
2 *waste collection vehicle for a two-year period that is in compliance*  
3 *with the regulations adopted by the State Air Resources Board for*  
4 *the use of best available control technology to reduce diesel*  
5 *particulate matter, as determined by the State Air Resources*  
6 *Board.*

7     (b) *The board shall not pay an operator of a solid waste*  
8 *collection vehicle for any costs that have previously been paid with*  
9 *grant funds awarded by a federal agency, the State Air Resources*  
10 *Board, or a local air pollution control district. When submitting an*  
11 *invoice to the board, an operator shall deduct, from the total cost*  
12 *of the best available control technology, the amount of any grant*  
13 *funds awarded to, or previously received by, the operator.*

14     (c) *To the extent practical, the board shall make the payments*  
15 *to an operator within 90 days of receiving a complete invoice and*  
16 *any required documentation.*

17     (d) *The board may adopt regulations to implement this article.*  
18     48015. *The board may expend not more than 3 percent of the*  
19 *funds deposited each fiscal year in the account, upon*  
20 *appropriation by the Legislature, for purposes of administering*  
21 *this article.*

22     48016. *On December 31, 2010, all unexpended funds in the*  
23 *account shall be transferred to the Integrated Waste Management*  
24 *Fund for expenditure by the board pursuant to Article 2*  
25 *(commencing with Section 48000).*

26     48017. *This article shall remain in effect only until January 1,*  
27 *2011, and as of that date is repealed, unless a later enacted statute,*  
28 *that is enacted before January 1, 2011, deletes or extends that date.*  
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31     **All matter omitted in this version of the**  
32 **bill appears in the bill as amended in the**  
33 **Assembly, June 23, 2003 (JR 11)**  
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